



PECFA POST



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FREE PUBLICATION!!!

The PECFA Post is Free! Just one more reason to subscribe to the PECFA Post. Not to mention the fact that the PECFA Post is a quarterly newsletter distributed by the Bureau of PECFA of the Wisconsin Department of Commerce. The newsletter covers topics that have either been submitted by consultants, responsible parties, lenders, other interested parties/stakeholders, or that the Bureau feels need clarification. The PECFA Post is just another way for you and others to stay informed of what is going on with PECFA. Additionally, the PECFA Post is not copyrighted, therefore, you are welcome and encouraged to make as many copies as you like and pass them out to all. Should you have any comments or suggestions, please refer to the contact and [submittal information procedure](#) on the bottom of Page 2.

COMM 47 RE-WRITE

The PECFA program is currently working on revising Administrative Rule Comm 47. There have not been any changes to the rule since January 1st, 1999; the original version of the current rule was implemented as ILHR 47 in March of 1994. Since that time there have been many changes to State Statute 101.143 that are not reflected in the current version. Several recent changes to the statute direct Commerce to take specific actions and these will be incorporated into the new rule as well. Two of the more important items are; establishing a usual & customary cost schedule for sites where a competitive bidding process is not used; and using a competitive public bid process on sites over \$60,000 to assist Commerce in establishing a reimbursement cap.

As part of the rule making process, Commerce formed an external advisory committee in the spring of 2002 and has been holding monthly meetings since May. The

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committee includes representatives from all PECFA stakeholder groups, including the WDOT and the WDNR. The meetings are held in the Commerce Building, 201 West Washington Avenue, Madison and are open to the public. Information about past meetings is available on our web site. www.commerce.state.wi.us

If you have comments or suggestions, please contact Dennis Legler at dlegler@commerce.state.wi.us.

\$50K CLAIM SUBMITTAL MILESTONE

Recent changes to Wisconsin State Stats 101.143 have allowed for a responsible party to submit a claim when at least \$50,000 in unreimbursed PECFA eligible costs have been incurred and a claim has not been submitted in the previous 12 months. This was implemented in an effort to reduce the overall interest costs for PECFA loans, thereby reducing the liability to the PECFA fund.

Previously, claimants who met or had the ability to meet the test of self-insurance per s. Comm 10.82 W.A.C., could not submit claims for progress payments. The earliest these claimants could file a claim was after implementation and two years of actual operation, sampling and monitoring of an active treatment system and every two years thereafter (see Comm 47.355(2)(c), W.A.C.).

This change now allows for any owner, including those owners who meet the test or self-insurance, to submit a claim if they meet \$50K in unreimbursed PECFA eligible costs and no claim has been submitted in the previous 12 months. Commerce strongly encourages claimants who meet this new milestone to submit eligible claims at their earliest convenience.

ANNUAL LABORATORY CONTRACTS

Annual laboratory contract bids must be completed on an annual basis. NO bid waivers are granted for this purpose.

PECFA OWNER REPORTING UPDATE

The PECFA on-line Owner Reporting System is now built and is currently being tested. Commerce is anticipating that the system will be operational by mid to late December. Owners who do not have a lender reporting the outstanding dollars against their sites will be responsible for reporting these amounts. The purpose of this information is to estimate future program obligations, identify high cost sites requiring Commerce review and provide a means of determining if individual sites are moving towards closure. When the testing is complete and the system is in live production on the web, Commerce will send a letter to owners notifying them that outstanding balances are to be reported.

The Wisconsin Department of Commerce has an [established web-based system in place for Lender Reporting](#).

ON-LINE CLAIM SUBMITTAL

On September 16, 2002, Commerce implemented an on-line claim submittal program on its web site. This program allows the individual who is preparing the claim to log in and enter invoices much like our Tracker program. The intent of the on-line claim submittal is to decrease audit time by previously having the invoices entered.

The claim still needs to come into Commerce with all the required materials. The process does not change once the claim comes in the door, it still needs to go through the pre-audit and a first in first out review. When the auditor receives claims that have been submitted on-

line, they only need to click on the OL Invoices button in tracker and the invoices entered will download into Tracker.

If you have the opportunity to discuss this with people that submit claims, please encourage them to try using this system. Presently, we have no added incentive other than the potential for reducing the backlog of claims in the audit line. However, we are looking at increasing the amount we allow for claim submittal, if they file claims using this system.

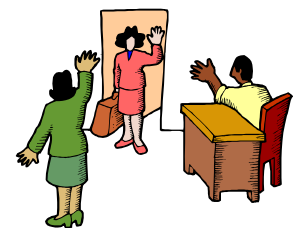
The on-line claim submittal can be found at:

http://apps.commerce.state.wi.us/ER_PecfaClaimInvApp/General.jsp

If you have any questions about the on-line submittal program please contact: Darin K. Powers, PECFA Program Specialist – Senior Telephone: 608-261-6544; Fax: 608-267-1381

FAREWELL AND CONGRATULATIONS TO A PECFA CLAIM REVIEWER

The PECFA staff would like to send a fond farewell and congratulations to Warren Bohlman, of the claim review section. Warren has decided to pull the plug and retire after 13



1/2 years of State service; he has been with the PECFA program for the past 10 years. He began his tenure in PECFA when the program was fairly young and has endured the many changes that have occurred over the years. His knowledge and expertise of the program will certainly be missed. We wish him the best in his retirement and want to thank him for his many years of dedication to state service and the PECFA program.

PECFA Post circulation and a request for Topics of Concern

We are continuing to move toward total electronic distribution of the *PECFA Post*. We need your e-mail address if you are not already receiving the Post electronically. Forward your e-mail address to khammes@commerce.state.wi.us. If you do not have e-mail, you may write Kristi Hammes at ERS Division, Bureau of PECFA, PO Box 7838, Madison WI 53707-7838 and request to be placed on a mailing list.

We are always happy to receive suggestions for future *Post* topics or comments on current articles. Please use the e-mail or mailing addresses listed above to submit your suggestion(s) and / or comments to Kristi Hammes.

“WELCOME BACK” TO PECFA SITE REVIEW

As many of you know, Lori Huntoon has returned to the PECFA Bureau as the Section Chief for the Site Review section. Lori brings with her, an enormous amount of information regarding the PECFA program with her. Her Position is integral to facilitating effective communication between numerous interested parties and promoting consistency between agencies. Lori's return will no doubt be beneficial for everyone involved in the PECFA Program. Please join us as we offer a warm “Welcome back to PECFA!” to Lori.



DISTURBED BEDROCK SAMPLING

The following indicates Commerce's position regarding the eligibility for costs associated with analyzing (and collecting) bedrock cutting samples for petroleum-related contamination. Such sampling does not qualify as an investigation activity that defines the degree and extent of contamination under Comm 47.30(1)(b) 6.

In those cases where soil contamination has been shown to extend to competent bedrock, air rotary techniques are typically employed to advance a boring further. With air rotary drilling, the rock cuttings produced by the air hammer are transported to the surface by compressed air flow. The planned purpose of a bedrock boring should be to attempt to install a groundwater monitoring well. The decision to install a bedrock well should be based on an evaluation of risk (i.e., nature and extent of the soil contamination at the bedrock interface, leaching potential of the soil contamination at the bedrock interface, depth to bedrock aquifer, proximity of potential receptors, potable well sample results, relative cost comparison between monitoring well installation(s) and a remedy that addresses the soil risk, etc.). Site specific conditions may streamline the evaluation process (e.g., a shallow bedrock aquifer may warrant well installations with minimal evaluation).

In regards to bedrock cutting samples, collection of field screening samples may be appropriate to partially assist with a *qualitative* determination of unsaturated bedrock contamination (e.g., to assist in the location of additional groundwater monitoring wells, if necessary). However, collection of bedrock cutting samples for quantitative

laboratory analyses of petroleum-related contamination is not appropriate (e.g., attempting to demonstrate the extent of unsaturated bedrock contamination). Comparison of analytical values obtained from overlying unconsolidated soil (undisturbed samples) to analytical values obtained from disturbed rock cutting samples is not valid. The cuttings represent heavily disturbed samples since the air hammer disarticulates the bedrock grains. More significantly, any petroleum-related contamination contained in the cuttings is then exposed to significant volatilization due to both the compressed air flow and the heat associated with the air hammer and the compressed air itself. Other bedrock drilling techniques (e.g., mud rotary) also result in disturbed rock cutting samples that likewise should not be collected for laboratory analysis of petroleum-related contamination.

In several guidance documents (July 1993 LUST and Petroleum Analytical and Quality Assurance Guidance and March 1992 Guidance for Conducting Environmental Response Actions) the WDNR emphasizes the need to collect undisturbed soil samples including those collected for laboratory analyses. The guidance documents suggest methods, techniques, and tools for collecting undisturbed soil samples. The guidance documents indicate the purpose of collecting undisturbed samples is to minimize volatilization by minimizing exposure to the atmosphere. The guidance documents only address unconsolidated soil samples, however, the extreme volatilization associated with air rotary bedrock cutting samples, patently prohibits the use of such samples in an analogous or comparative fashion to undisturbed soil sample quantitative analytical results.

Consequently, PECFA will not reimburse for costs associated with the analysis (and collection) of disturbed bedrock cutting samples for petroleum-related contamination. In

addition, PECFA will not reimburse for costs associated with installing borings through competent bedrock, if the purpose of such borings is the collection of disturbed bedrock cutting samples. This determination should not reduce efforts to collect bedrock cutting samples to describe the bedrock strata or to *qualitatively* indicate unsaturated bedrock contamination (field screening) in those cases where bedrock borings are advanced to install groundwater monitoring wells.



\$500 CLAIM PREPARATION FEE

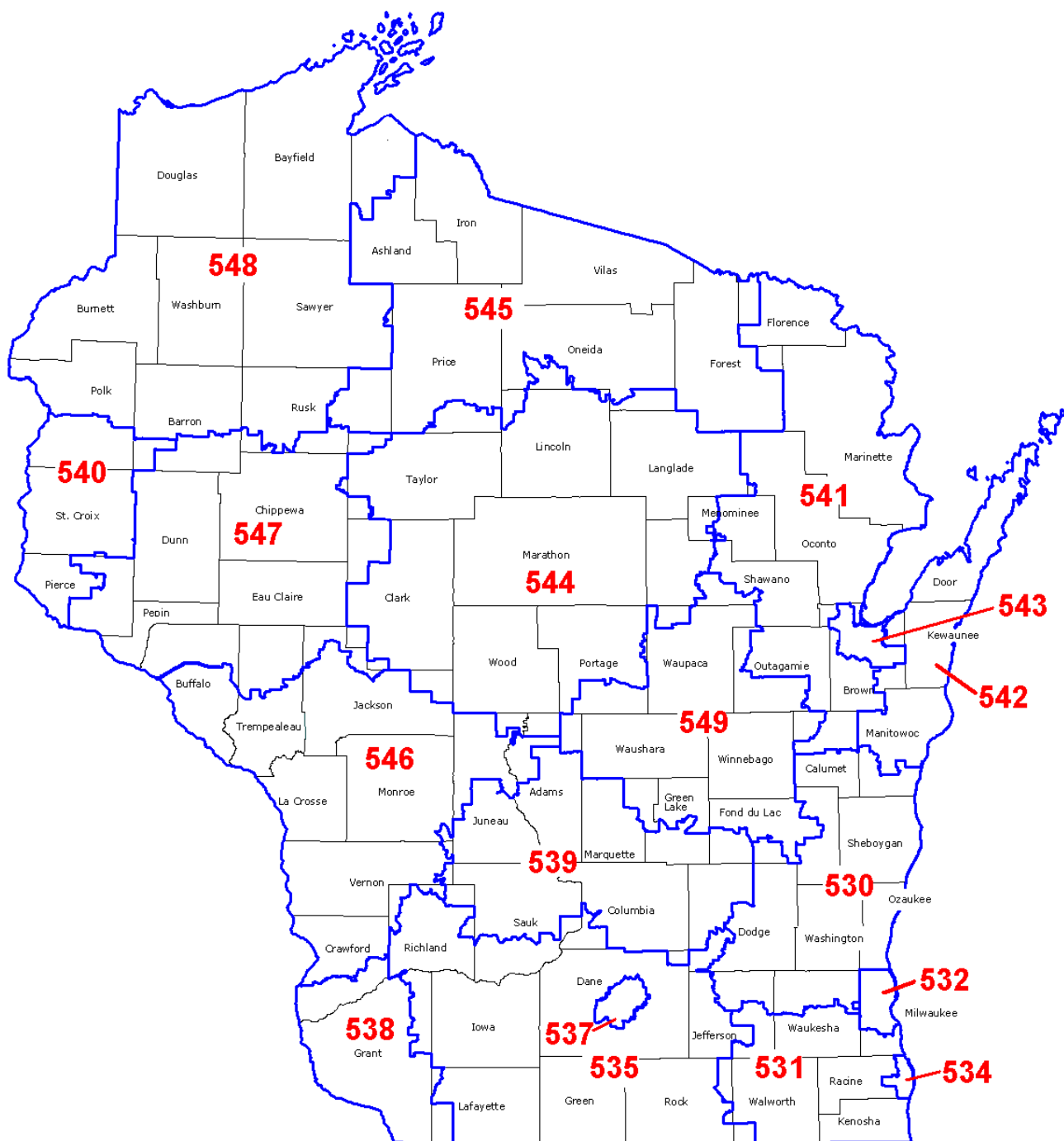
The maximum reimbursement cap (\$500) has been established by Comm 47, and submitting a claim is the owner's responsibility. The reimbursement claim should be submitted at the appropriate milestone, either



by the owner or the submitter of their choice. The fee is not considered an investigation or remedial activity, and therefore, should not be included in cap exceedence requests.

The \$500 should not be considered in the \$60,000/\$80,000 cap. The cap is to close the site and the claim submittal comes after the site is closed.

PECFA Site Review Zone Coverage Map



PECFA Site Review Zone Contact Information

Bureau Director VACANT		Section Chief Site Review Section Lori Huntoon (608) 261-7732 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 Madison WI 53708-8044	
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537, 538		Eric Scott (608) 266-8516 Andrew Alles (608) 261-8509 Jon Heberer (608) 261-5405	WI Dept Of Commerce 201 W Washington Ave PO Box 8044 Madison WI 53708-8044 FAX 608-267-1381
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540, 548		Shawn Wenzel (608) 261-5401	
544, 547		Dee Zoellner (715) 342-3802 Tim Zeichert (715) 345-5307	WI Dept Of Commerce 2715 Post Rd Stevens Point WI 54481-6456 FAX 715-345-5225
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542, 543		Robert Klauk (920) 424-0046	
549		Tom Verstegen (920) 424-0025	